

REMARKS

Young & Thompson have taken over prosecution of this case. A Revocation and Power of Attorney is being filed.

Should there be any outstanding issues after consideration of this amendment, it is requested that the undersigned be contacted by telephone for an interview.

Claims 21-34 were examined.

Claim Rejections - 35 USC § 112

I. Claims 21-34 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The rejection stated that the claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The rejection stated that Claim 21 contains the confusing limitation of "pruning machine comprising: at least one cutter bar." The invention of the original disclosure is towards an apparatus for detecting mating of animals.

II. Claims 30 and 31 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The rejection stated that the claims contain subject matter which was not described in the specification in such a way

as to enable one skilled in the art to which it pertains to make and/or use the invention.

The rejection stated that in claim 30, it is unclear as to how the means for identifying the female by processing is activated by the means for detecting.

III. Claims 21-34 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The previously pending claims have been replaced with new claims directed to the same invention as the original claims. These new claims remedy the above-stated bases of rejection. No new matter is entered by these amendments.

Withdrawal of the rejections is therefore solicited.

Claim Rejections - 35 USC § 102

Claims 21-25 and 31-34 were rejected under 35 U.S.C. 102(b) as being anticipated by McAlister US 4,503,808.

Claim Rejections - 35 USC § 103

Claims 28, 29 were rejected under 35 U.S.C. 103(a) as being unpatentable over McAlister US 4,503,808 in view of Starzl et al. US 5,542,431.

Allowable Subject Matter

Claims 26, 27 and 30 were indicated to be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, 1st and 2nd paragraphs, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The Present Invention

As per the specification as originally filed, the present invention includes a device for the computerized detection of mountings among animals. In the BRIEF SUMMARY OF THE INVENTION section, it is disclosed that the present invention provides a device for the automated detection of mountings among animals, intended to be worn by an animal.

Beginning with published application paragraph [0015], it is disclosed that the detection device includes a detector means for detecting an attempt of a detecting animal to mount a female animal (i.e., a detector), a means for identifying an electronic tag placed in an organ of the female animal (i.e., a tag identification part), and fastener for attaching the detector on the detecting animal.

Paragraph [0021] discloses that the identification may be made remotely and can activate the tag already installed in the female animal, all that is needed is that the device be positioned in an anatomic zone that is favorable for allowing detection. Beginning with paragraph [0022] there is disclosed

the use of RFID technology (for the passive electronic tag located in an organ of the female animal), a detector capable of emitting a magnetic field energizing the electronic tag placed in the female animal. As a result, the electronic tags worn by the female animals do not require including a source of energy.

Paragraph [0061] discloses that an electronic tag is an electronic circuit which emits, when stimulated/activated by a magnetic field, an identifying signal which is picked up by the emitting antenna by modulating said magnetic field.

Figures 1A and 1D shows an animal 100, wearing the device 110 using a fastener 105, mounting a female animal 120 wearing an electronic tag 130. The fastener 105 is a harness holding in place on the animal 100 the different elements of the device 110. The transponder 130 is a passive transponder without a source of energy, and retains a unique identifier which identifies the animal 120 wearing it. The detector 110 may include an antenna (145), a controller (150), a program memory (155), a communication interface (175), and a radio frequency communication module (180). A mounting sensor (140) may be, for example, a pressure sensor placed under the belly of the detecting animal, a verticality sensor, or a motion sensor.

The antenna 145 emits a magnetic field oriented towards the underside of the animal 100 wearing the electronic tag so that as soon as the detecting animal wearing is on top of a female, the device establishes a communication with the

electronic tag. The identifying information on the females in heat that is stored in the device is then sent to a receiving radio terminal which reads the RAM of this device. Then a data processing program determines which female is in heat, based on the number and the frequency of mounting attempts on each of the females.

McAllister

McAlister discloses a tag which is powered by heat or the sun and constantly emits a signal when powered.

The McAlister tag is not an electronic tag being a passive tag free of any internal power source and not generating any signals until being detector-energized. The McAlister detector does not emit a magnetic field energizing the McAlister tag when the tag is located in the organ of the female animal and the detector is attached on the detecting animal.

McAlister discloses detecting standing heat of an animal (12) where a generator (18) secured to the body of the animal (12) generates an identification signal uniquely identifying the animal (12). However, the McAlister system continuously emits a signal that is received by the male at all times of the day.

McAlister does not disclose an electronic tag being a passive tag without any source of energy and generating a signal

upon detector-activation. McAlister does not disclose a detector emitting a magnetic field activating said electronic tag.

McAlister does not disclose that, upon being activated, said electronic tag emits an identification of said female animal in an identifying signal modulating the magnetic field and picked up by the detector, said detector comprising an identifier configured for identifying said passive electronic tag based on the identification within the identifying signal emitted by the electronic tag.

Strarz1 does not cure these defects.

As amended, the claims are believed to distinguish both the recited electronic tag and the recited detector from the teachings of the applied art.

The McAlister system does not appear to be suitable to include an electronic tag that comprises a support configured to be placed in a digestive tract of the female animal, or fixed at the ear with an ear-tag. The main point is that the electronic tag may be placed in the body of the animal OR fixed at the body, especially at the ear. This is supported by the specification in paragraph [0061] : "integrating a transponder in a tag at the animal's ear", and further in paragraph [0147]: "the transponder is attached to the ear of the animal".

The McAlister system does not disclose the electronic tag being an RFID tag and the detector being an RFID reader.

The McAlister system does not disclose a verticality sensor to activate the said detector.

The McAlister system does not disclose a pressure sensor configured to sense pressure exerted on the back of said female animal, said pressure sensor configured to be placed under the belly of the detecting animal wearing the detector, to activate the said detector.

The McAlister system does not disclose a temperature sensor, said temperature sensor configured to be placed under the belly of the detecting animal wearing the detector, to activate the said detector.

The McAlister system does not disclose a motion sensor, movements of the detecting animal wearing the device being sensed to activate the said detector.

The McAlister system does not disclose that the identifier comprises an image processing part for identification of the female animal.

The McAlister system does not disclose the further combination of said electronic tag being an RFID tag, said detector an antenna configured for emitting the magnetic field toward the RFID tag for stimulating the RFID tag, a controller, a program memory, a communication interface (175), and a communication module, and the device further comprising a mounting sensor configured to activate said detector.

This list is not intended to be all inclusive of the differences between the applied art and the recited invention.

Reconsideration and allowance of all the claims are solicited.

This amendment is believed to be fully responsive and to put the case in condition for allowance. Entry of the amendment, and an early and favorable action on the merits, are earnestly requested. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Should there be any matters that need to be resolved in the present application; the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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